

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 L-03 CIAE-00 DODE-00 INR-10 NSAE-00

PA-04 RSC-01 USIA-15 PRS-01 SPC-03 DRC-01 /064 W

----- 073941

R 071800Z DEC 73

FM AMEMBASSY MADRID

TO SECSTATE WASHDC 7457

INFO AMEMBASSY LISBON

C O N F I D E N T I A L MADRID 7240

E.O. 11652: GDS

TAGS: PINT SP

SUBJECT: MADRID BAR ASSOCIATION ELECTIONS

REF: A-13, JAN 20, 73

SUMMARY: MADRID BAR ASSOCIATION HAS CONVOKED NEW ELECTIONS FOR DECEMBER 19. TWO SLATES OF CANDIDATES BEING PRESENTED, ONE GOVERNMENT-FAVORED AND HEADED BY ANTONIO PEDROL AND THE OTHER AN OPPOSITION SLATE HEADED BY CHRISTIAN DEMOCRAT JOAQUIN RUIZ GIMENEZ. THERE WIDESPREAD DOUBT GOVERNMENT WILL PERMIT CONDUCT THESE ELECTIONS, DESIGNED TO TAKE PLACE OF ELECTIONS CANCELLED ONE YEAR AGO DUE TO GOVERNMENT VETO FIVE OPPOSITION CANDIDATES. MEANWHILE CORTES COMMITTEE DEBATE ON GOVERNMENT'S DRAFT LAW ON PROFESSIONAL ASSOCIATIONS WILL COMMENCE DEC 10. PROPOSED LAW WOULD TERMINATE OPPOSITION POSSIBILITIES OF GAINING CONTROL BAR ASSOCIATIONS DUE TO IMPOSITION LOYALTY OATH REQUIREMENT. END SUMMARY

1. ON NOV 15, MADRID BAR ASSOCIATION VOTED, 436 TO 272, CONVOKE NEW ELECTIONS DEC 19. ELECTION WOULD REPLACE INTERIM JUNTA OF ASSOCIATION'S OLDEST LIVING MEMBERS (WHICH HAS HELD OFFICE SINCE GOVT'S VETO OF FIVE OPPOSITION CANDIDATES RESULTED IN CANCELLATION OF SCHEDULED DEC 1972 ELECTIONS - SEE REF.)

2. TWO 14-MAN SLATES OF CANDIDATES ARE COMPETING, ONE
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HEADED BY ANTONIO PEDROL RUIZ AS CANDIDATE FOR DEAN (IDENTICAL

WITH PEDROL'S SLATE IN LASTYEAR'S ABORTED ELECTIONS), AND
2) AN OPPOSITION LIST HEADED BY JOAQUIN RUIZ GIMENEZ.

3. NONE OF FIVE VETOED OPPOSITION CANDIDATES FROM 1972 SLATES ARE RUNNING, REPORTEDLY BY MUTUAL AGREEMENT SO AS TO AVOID GIVING GOVERNMENT EXCUSE FOR RE-VETOING CANDIDATES. (HOWEVER A SON OF VETOED JOSE MARIA GIL ROBLES IS ON RUIZ GIMENEZ SLATE.) RUIZ GIMENEZ SLATE CONTAINS REPS FROM MOST OF POLITICAL OPPOSITION INCLUDING MONARCHISTS, LIBERALS, VARIOUS CHRISTIAN DEMOCRATIC FACTIONS, AND BOTH PSOE/UGT "YOUNG TURK" AND RIVAL TIerno GALVAN SOCIALISTS (TIerno SOCIALISTS RAN THEIR OWN SEPARATE SLATE LAST YEAR). SIGNIFICANTLY, COMMUNIST PARTY (PCE) IS NOT REPRESENTED. REPORTEDLY PCE HAS VOLUNTARILY EXCLUDED ITSELF SO AS NOT TO FRIGHTEEN OFF CANDIDATES FROM CERTAIN DEMOCRATIC OPPOSITION GROUPS AND NOT TO PROVOKE GOVERNMENT UNDULY, BUT HAS PROMISED ALL-OUT SUPPORT FOR RUIZ GIMENEZ SLATE.

4. MEANWHILE, GOVERNMENT HAS ANNOUNCED DRAFT LAW ON PROFESSIONAL ASSOCIATIONS, WHICH IT UNVEILED LAST APRIL. DRAFT HAS BEEN UNDER STUDY BY CORTES SUB-COMMITTEE AND WILL BE DEBATED IN CORTES FUNDAMENTAL LAW COMMITTEE COMMENCING DEC 10. DRAFT LAW WAS REPORTEDLY DESIGNED BY GOVERNMENT TO TERMINATE OPPOSITION ACTIVITY IN BAR ASSOCIATIONS AND OTHER PROFESSIONAL BODIES BUT IT HAS BEEN SUBSTANTIALLY MODIFIED BY FIVE-MAN CORTES SUB-COMMITTEE. HOWEVER, THOUGH MANY OBJECTIONABLE FEATURES ELIMINATED, PROVISIONS IS RETAINED REQUIRING ALL PERSONS ELECTED TO OFFICE TO SWEAR LOYALTY OATH TO PRINCIPLES NATIONAL MOVEMENT. THIS NEW REQUIREMENT ALONE WOULD BE ENOUGH TO TERMINATE OPPOSITION POSSIBILITIES OF GAINING CONTROL IN BAR ASSOCIATION AND OTHER BODIES AS IT WOULD BE PERSONALLY AND POLITICALLY IMPOSSIBLE FOR MOST OF THEM TO SWEAR SUCH AN OATH.

5. COMMENT: DESPITE FACT SCHEDULED ELECTIONS HAVE AROUSED MUCH INTEREST AND ENTHUSIASM, WIDELY BELIEVED GOVERNMENT WILL NOT PERMIT THEM TO BE HELD AT THIS TIME. GOVERNMENT COULD; (A) FORCE BAR ASSOCIATION TO POSTPONE ELECTIONS UNTIL AFTER CORTES HAS PASSED DRAFT LAW ON PROFESSIONAL ASSOCIATIONS
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WITH ITS MANDATORY LOYALTY OATH; (B) FORCE POSTPONEMENT OF ELECTIONS INDEFINITELY UNTIL STILL-PENDING LAW SUITS AGAINST GOVERNMENT BECAUSE OF 1972 VETOES ARE DECIDED BY SUPREME COURT; (C) SEEK TO RUSH DRAFT LAW THROUGH CORTES TO HAVE IT ENACTED INTO LAW BY ALREADY-SCHEDULED DEC. 18TH CORTES PLENARY, AND REQUIRE ELECTIONS FOLLOWING DAY TO BE HELD UNDER NEW RULES; (D) ALLOW ELECTIONS BE HELD, BUT HOLD UP INVESTITURE OF SUCCESSFUL CANDIDATES UNTIL

NEW LAW IS ENACTED MAKING THEM TAKE LOYALTY OATH UPON ASSUMING OFFICE; OR (E) ALLOW ELECTIONS AND INVESTITURE BUT MAKE LOYALTY OATH RETROACTIVE IN APPLICATION ONCE LAW IS PASSED.

6. THE ELECTIONS, IF HELD, WILL BE CLEAR ELECTORAL CONFRONTATION BETWEEN PEDROL SLATE, FAVORED BY GOVERNMENT, AND OPPOSITION SLATE OF RUIZ GIMENEZ. UNLIKE 1972, THE SYMPATHIES OF "ESTABLISHMENT" LAWYERS WOULD NOT BE DIVIDED BETWEEN TWO SLATES (FANJUL DID NOT PRESENT A SLATE THIS YEAR) AND GOVERNMENT COULD PRESSURE MAJORITY OF LAWYERS OF MADRID ASSOCIATION (AT LEAST HALF OF WHOM HOLD GOVERNMENT JOBS) TO VOTE FOR PEDROL. HOWEVER, CURRDNT RULES, UNDER WHICH ONLY THOSE LAWYERS VOTE WHO ARE PHYSICALLY PRESENT AT BAR ASSOCIATION ON DAY OF ELECTION, BENEFIT THE OPPOSITION WHICH IS ALWAYS MUCH MORE SUCCESSFUL IN TURNING OUT VOTE OF ITS FOLLOWERS. ESTIMATES ARE THAT VOTE, IF HELD, WILL RESULT IN PEDROL VICTORY BUT THAT RUIZ GIMENEZ SLATE MAY RECEIVE 40 PERCENT, OR MORE, OF VOTE. SOME OBSERVERS BELIEVE OPPOSITION SLATE MIGHT EVEN HAVE CHANCE OF WINNING ELECTION BY SLIGHT MARGIN.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ATTORNEYS, SPECIAL ELECTIONS, ELECTION CANDIDATES
Control Number: n/a
Copy: SINGLE
Draft Date: 07 DEC 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973MADRID07240
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: n/a
From: MADRID
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731238/aaaabbws.tel
Line Count: 136
Locator: TEXT ON-LINE
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: A-13, JAN 20, 73
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 25 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25-Sep-2001 by rowellE0>; APPROVED <29-Nov-2001 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MADRID BAR ASSOCIATION ELECTIONS
TAGS: PINT, SP, MADRID BAR ASSOCIATION
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005